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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,588	12/12/2005	George Marmaropoulos	US030177US	7162

24737 7590 05/13/2008  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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TSUKERMAN, LARISA Z

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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05/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,588	<b>Applicant(s)</b> MARMAROPOULOS ET AL.	
	<b>Examiner</b> LARISA Z. TSUKERMAN	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 25-34 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Amoroso (5531601).

**In regard to claim 26**, Amoroso disclose a fabric interconnect 10 for connecting a garment (not marked, see “clothing article” in Abstract, line 3) and one or more electronics enclosures (not shown, hard battery pack), the fabric interconnect 10 comprising: two or more substantially electrically conductive surface portions 20/28 and (18/32 and 18/34) connected to one or more fabric electrodes in a garment (the conductive trace 18 extends from portions 32 and 34 to the rest of the illuminated clothing circuitry as needed), the conductive surface portions 18 and 18 being separated from one another by at least one non-conductive surface portion disposed therebetween, wherein the two or more conductive surfaces (18/32 and 18/34) and 20/28 and at least one non-conductive surface are manufactured so as to form one or more chambers (pouch) suitable for accommodating at least one electronics enclosure (battery pack), the electronics enclosure having at least one conductive interface (battery terminal), and wherein the two or more conductive surfaces electrically cooperate with the at least one conductive interface so that one or more different functions may be accomplished depending on the relative position of the at least one conductive interface with respect to the conductive surfaces.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amoroso (5531601) in view of Rabinowicz et al. (20040045325).

**In regard to claim 18**, Amoroso discloses a fabric interconnect 10 for connecting a garment (not marked, see “clothing article” in Abstract, line 3) and at least one electronics enclosure (not shown, hard battery pack) having at least one conductive area on an outer surface (battery terminal), the fabric interconnect 10 comprising: one or more chambers (pouch) for accommodating at least one electronics enclosure (battery pack), at least one chamber(pouch) having at least one substantially electrically conductive surface portion 18, 20 connected to one or more fabric electrodes (the conductive trace 18 extend from portions 32 and 34 to the rest of the illuminated clothing circuitry as needed) in the garment and at least one substantially electrically non-conductive surface portion (other portion of surface 12 and 14), so that at least one conductive area (battery terminal) of the electronics enclosure (battery pack) and at least one conductive surface portion 28 and 34 of the chamber (pouch) accommodating the electronics enclosure can selectively make electrical contact to form an electrical interconnection between one or more fabric electrodes of the garment and the electronics of the electronics enclosure. Amoroso does not disclose that at least one chamber (pouch) is at least substantially seamlessly manufactured. However, Rabinowicz et al. teach at least one chamber

(pocket) 26 that is at least substantially seamlessly manufactured and formed by the seamless and continuously knit juncture between the inner ply and the outer ply.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture a garment seamlessly, as taught by Rabinowicz et al., forming the structure of Amoroso, in order to provide more comfort and strength.

**In regard to claim 19**, Amoroso discloses that at least one electronics enclosure (battery pack) is configured to be rotated within at least one accommodating chamber (pouch) so as to bring a conductive area (battery terminal) of the electronics enclosure and at least one conductive surface portion 32, 34 and 28 into electrical contact and thereby form an electrical interconnection between the electronics enclosure and one or more fabric electrodes of the garment.

**In regard to claim 20**, Amoroso disclose an electronics enclosure (battery pack) positioned relative to a chamber (pouch) via a force applied to the electronics enclosure and/or the chamber.

**In regard to claim 21**, Amoroso discloses that the fabric\_interconnect with the conductive and non-conductive surface portions 32/18 and 34/18 are flexible.

**In regard to claim 22**, Amoroso discloses a fabric interconnect where the conductive and non-conductive surface portions 32/18 and 34/18 are elastic.

**In regard to claim 23**, Amoroso disclose the chamber (pouch) has a tube-like shape.

**In regard to claim 25**, Amoroso disclose that the force applied to the electronics enclosure is a non-rotating force.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amoroso (5531601).

**In regard to claim 27**, Amoroso disclose most of the invention except that the electronics enclosure is not operatively associated with a monitor for monitoring biological conditions.

However, it has been held that a recitation with respect to the manner or method in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See Ex parte Wikdahl, 10 USPQ2d 1546, 1548 (Bd. Pat. App. & Inter. 1989); Ex parte Masham, 2 USPQ2d 1647, 1648 (Bd. Pat. App. & Inter. 1987); In re Casey, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967); see also M.P.E.P. § 2111.02. A process or environment of use limitation in an apparatus claim will not patentably distinguish the claim from the prior art unless it somehow imposes a structural limitation.

Intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.”

M.P.E.P. § 2111.02 (citing In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963)). Therefore, Amoroso device is capable of being connected to a monitor.

**In regard to claim 28**, Amoroso discloses an electronics enclosure (battery pack) for use with a fabric interconnect in a garment (clothing article), the electronics enclosure comprising:

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a casing (battery pack housing) with one or more substantially electrically conductive interfaces (battery terminals); and electronics operatively connected to at least one conductive interface 32, 34 and 28 wherein the electronics enclosure is configured to be removably inserted into a chamber (pouch) of the fabric interconnect so that at least one conductive interface electrically cooperates with one or more conductive portions 32, 34, and 28 of the chamber to form an interconnection between one or more fabric electrodes of the garment and the electronics of the electronics enclosure.

This is the electronic enclosure “for use with a fabric interconnect in a garment”, and the electronic enclosure is configured to be inserted into chamber, and the chamber is not a part of the claimed device.

Intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.”

M.P.E.P. § 2111.02 (citing In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963)). Therefore, Amoroso device is capable of being used with a fabric interconnect in a garment.

Claims 29 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amoroso (55316010) in view of Brady (5390433).

**In regard to claim 29**, Amoroso discloses most of invention except for the electronics enclosure has at least one indicator for indicating one or more electronics enclosure functionalities. However, Brady teaches an indicator (a lens 32 for a power-on indicator lamp (not shown)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include indicator of Brady in structure of

Amoroso, in order to provide indication of guarantee for good reliable electrical connection.

**In regard to claim 30**, Amoroso, modified by Brady, disclose the indicator is a display.

**In regard to claim 31**, Amoroso, modified by Brady, discloses the conductive interface (battery pack) includes a number of electrically conductive areas (terminals) with a number electrically non-conductive areas (space between terminals) adjacent thereto that separate the plurality of electrically conductive areas.

**In regard to claim 32**, Amoroso, modified Brady, discloses one or more functionalities correspond to a position of an electronics enclosure relative to the one or more conductive surface portions of a chamber accommodating the electronics enclosure (e.g. on and off).

**In regard to claim 33**, Amoroso, modified by Brady, discloses two or more conductive portions of the chamber are connected to one or more fabric electrodes, the conductive portions 32/18 and 34/18 being spaced apart from one another with at least one non-conductive portion located therebetween (see Fig.2).

**In regard to claim 34**, Amoroso, modified by Brady discloses the two or more conductive surfaces 32/18 and 34/18 electrically cooperate with the at least one conductive interface (battery pack and terminals) so that one or more different functions may be accomplished depending on the relative position of the at least one conductive interface with respect to the conductive surfaces (on and off).



***Allowable Subject Matter***

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: patentability regarding claim 24 resides, at least in part, in the force applied to the electronics enclosure is a rotating force, in combination with the other limitations of the base claim.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARISA Z. TSUKERMAN whose telephone number is

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(571)272-2015. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LT, 05/06/2008

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